

REMARKS

Claims 11-22 were active and under consideration, claims 1-10 having been canceled previously. By means of the present amendment, claims 11-22 have been amended to better point out and distinctly claim the subject matter of the invention of the present application. Accordingly, claims 11-22 are presently at issue.

Rejections under 35 U.S.C. § 102

Claims 11-18 and 21 were rejected under 35 USC § 102(b) as being anticipated by WO/2001/084654 using US Publication 2003/0108795 (Tamura) as the English translation. Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of this rejection.

To establish anticipation of the claimed invention, a reference must disclose the invention as set forth in the claim, i.e. a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicants respectfully submit that Tamura does not anticipate Applicants' claimed invention as set forth in the claims as presently amended because the cited reference fails to disclose each and every limitation of the claims at issue as presently amended. In particular, Tamura does neither disclose nor reasonably suggest an anode substrate which comprises a polymer substrate, and the rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura in view of WO 00/57507 (Hagg). Applicants submit that the rejection is improper because Hagg is nonanalogous art to the subject matter of the claims as presently amended. The structural and functional differences between the cited reference and the subject matter of

the claimed invention are such that it cannot be relied upon as a basis of a rejection, thus rendering the rejection improper.

The claimed invention relates to a non-aqueous electrolyte battery comprising an anode which comprises, inter alia, a polymer-comprising anode substrate and thin film layers disposed on said anode substrate. Such thin film layers contain, inter alia, a metal incapable of alloying with lithium, and a metal element or compound capable of alloying with lithium and serving as an anode active material.

Hagg discloses electrodes, in particular bipolar composite electrodes characterized by an electrochemically active layer bonded to a substrate material (*See* page 1, lines 1-10). Bipolar electrodes act as an anode on one side and a cathode on the other side, and the substrate material provides a conductive pathway between the facing layers of electrochemically active fibrous material such as graphite felt or carbon felt (*See* page 1, lines 26-37). In the electrode of Hagg, the substrate is a non-conductive material such as a polymeric material (*See* page 5, lines 30-35; page 6, lines 24-31).

As the substrate is non-conductive, the conductive pathway is provided as follows: each of the surfaces of the substrate carries a layer of fibrous electrochemically active material, wherein the fibers of both the opposing layers of electrochemically active material penetrate the electrode substrate material. The contact between the penetrating fibers of each layer provides a current transfer pathway between the layers through the substrate material (*See* page 10, lines 38-44; Figure 5).

In the battery of the claims as presently amended, a current transfer pathway between the two faces of the substrate is neither needed nor particularly desirable. Moreover, the present invention comprises film metal layers deposited on the substrate, not fibers penetrating the substrate. Accordingly, the teachings of Hagg are directed to the creation of a structure

differing from that of the claimed invention in structure, function and materials. The rejection is therefore based on a nonanalogous reference, and should be removed.

Conclusion

In view of the foregoing, it is submitted that all the claims are allowable and that the application is in condition for allowance. Notice to that effect is respectfully requested.

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Respectfully submitted,



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